

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

61359

FILE: B-186217

DATE: AUG 18 1976

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MATTER OF: Harry R. Nickless - Claim for Subsistence
Expenses While Occupying Temporary Quarters

DIGEST: Forest ranger, who was transferred 27 miles, claimed subsistence expenses while occupying temporary quarters although paragraph 2-5.2h of Federal Travel Regulations (FTR) limits payment of such allowance when transfer is less than 40 miles to situation where employee is awaiting arrival of shipment of household goods. Allowance is payable since employee occupied Government-owned quarters at both locations, occupancy of temporary quarters was required by Government's need to paint and repair such quarters, and under such circumstances FTR limitation is not applicable.

Ms. Orris C. Huet, an authorized certifying officer at the National Finance Center, Department of Agriculture, by letter of March 25, 1976, requested an advance decision as to the propriety of paying the claim of Mr. Harry R. Nickless for subsistence expenses while occupying temporary quarters. The claim arose incident to a permanent change-of-duty station from Penasco, New Mexico, to Taos, New Mexico, a distance of 27 miles.

Mr. Nickless, a district forest ranger, occupied Government-owned housing at his old and his new duty stations, both of which were located in Carson National Forest. The record shows that at the time of Mr. Nickless' transfer he was required to vacate the Government-owned residence at his old duty station in order that said dwelling could be repainted and prepared for occupancy by the replacement ranger. At the same time the Government-owned residence at his new duty station was being repainted and repaired. Hence, Mr. Nickless was forced to obtain temporary quarters for 2 days incident to his transfer while the Government performed maintenance on his old and new residences.

The certifying officer asked whether paragraph 2-5.2h of the Federal Travel Regulations (FPMR 101-7, May 1973) proscribes

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payment under the circumstances of this case. Paragraph 2-5.2h limits payment of subsistence expenses when a transfer of less than 40 miles is involved to the situation where the employee is awaiting shipment of household goods.

We do not believe that paragraph 2-5.2h of the Federal Travel Regulations was intended to apply to employees who, incident to transfers, are required to move between Government-owned quarters and are forced to occupy temporary quarters for the convenience of the Government. In such cases the circumstances necessitating the use of temporary quarters are beyond the control of the employee and a direct result of Government action. Accordingly, the voucher is returned herewith and may be certified for payment, if otherwise correct.

R.F.KELLER

~~Deputy~~

Comptroller General
of the United States